

In re ) Fair Hearing No. 18,186  
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Appeal of )

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH)'s Office of Home Heating Fuel Assistance denying her seasonal fuel benefits based on excess income.

1. The petitioner is a forty-three-year-old woman who lives alone in a one-bedroom apartment that is heated by oil. The petitioner is responsible for paying her heating costs directly to the supplier. The petitioner has earned income from full-time employment of \$1,204 per month.

2. In August of 2002, the petitioner filed an application for home heating fuel assistance which was reviewed by PATH. After giving the petitioner a twenty percent deduction from her earned income, it was determined that the remaining income of \$963.20 was in excess of the program's maximum of \$923 for a person in her situation.

3. PATH notified the petitioner that she would be denied in late November of 2002. The petitioner appealed that decision.

4. The petitioner says that she is unable to pay her oil bill of \$229 which was past due in addition to her rent of \$500 per month. She was advised at hearing of the existence of the emergency fuel program. She also says she is trying to send money to her husband who does not currently live with her.

ORDER

The decision of PATH is affirmed.

REASONS

PATH's fuel program includes gross wages and salaries of applying individuals subject to a twenty percent deduction. W.A.M. 2904.3. PATH correctly deducted twenty percent from the petitioner's income. Other deductions are available from income under the program but the petitioner does not appear to fit into any of those situations.<sup>1</sup> In order to be eligible for fuel benefits a household must have income "which is at or below the amount for household size shown in the Fuel Income Maximum Table." W.A.M. 2904.1. The maximum income for a one-

person household under that table is \$923 per month. As the petitioner's income is \$40 per month above that amount, PATH correctly denied her under its regulations and the Board must uphold the denial. 3 V.S.A. § 3091(d), Fair Hearing Rule 17. The petitioner has been notified of the existence of the emergency fuel program if she is without funds to pay for oil this winter.

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<sup>1</sup> For example, court ordered support, deductions for elderly and disabled persons and the cost of dependent care.